

### Remarks

Claim 16 has been cancelled without prejudice or disclaimer. Claim 20 has been added.

### Substance of the Interview

Applicants appreciate the Examiner's courtesy of granting a personal interview which was conducted on June 15, 2004 between Examiner Kurt Rowan, Applicant Jim Miller, and the Applicants' representatives William E. Johnson, Jr. and Taras P. Bemko. In particular, Applicants demonstrated the workings of the hook and how it was distinguishable over prior art hooks. At the interview, the Examiner stated that the Applicants were "on the right track" and that no amendment of the claims was needed before the Office Action.

### Claim Rejections – 35USC § 102

Claims 1-9, 11, 15, and 17-19 stand rejected under 35USC § 102(b) as being anticipated by U.S. Patent 1,638,923 to Danielson. This rejection is respectfully traversed.

35USC § 102 requires that the anticipating reference, Danielson, must disclose each and every element of the Applicants' claim. Applicants respectfully submit that the Danielson fish hook device, as disclosed in the patent, is much different from the claims reviewed by the Examiner in the Interview, from the claims as amended, and from the newly submitted claim. Danielson allegedly teaches an integral catch 6 on both shanks and further requires a post or pin 7 which is **not** a part of the hook but is a part of a **separate** "inanimate life-like fish bait 1". The post or pin 7 is required to hold both hooks (and both integral catches 6) in the crossed position. Thus, a pull or setting action, by the fish swimming away or the fisherman setting the hook is required. There is **no automatic set** with Danielson.

In sharp contrast, the Applicants' "**catch, integral to said first shank**" (i.e. only one catch

integral to only one shank), keeps the shanks crossed. Danielson teaches to rely on **three** catches - one on each shank and the third being pin 7. Further, the Applicants' device is formed from a single wire. Danielson teaches a multi-part device wherein pin 7 is **not** a part of the hook but must be employed to keep the shanks crossed. Still further, per amended Claims 1 and 17, it is clear that the Applicants' shanks are crossed one time in the second state (cocked position) wherein Danielson teaches that the shanks are crossed twice in the cocked position (Danielson Fig.1).

The Examiner alleges that "Danielson shows upon the application of two generally opposing forces such as a fish biting the lure from the top and the bottom and consequently the hook, that the hook will be pulled forward by the force on the line as a fisherperson feels the bite which will release the hooks from the lure as shown in Fig. 2." Thus, the Examiner is alleging that the Applicants' claim of the "application of two generally opposing forces" means that the first force is the fish's bite and the second opposing force is the pull of the line by the fisherman. Per amended Claims 1, 15, and 17, Applicants' clarify that the two generally opposing forces are independent of any pulling force exerted upon said fish hook apparatus. Thus, Applicants respectively point out to the examiner that the present device does not require any cooperation between the fisherperson and the fish. The Applicants' device requires no pulling of the fishing line by either the fish or the fisherperson. Applicants further respectively submit that if a fish bites the Danielson hook and swims toward the fishing pole (i.e. wherein slack remains in the fishing line) the Danielson hook will not be set. In sharp contrast, the Applicants' hook will set (i.e. be released into the first position) upon the application of two generally opposing forces by the interior of the fish's mouth, applied about said first shank and said second shank without any pulling motion on the line by the fish or the fisherperson.

Regarding Claim 15, the Examiner alleges that Danielson teaches three states with the third state having the shanks crossed twice (i.e. the cocked position). Per amended Claim 15, the Applicants' third state (when the shanks are crossed twice) occurs when the hook is set. When the Applicants' hook is in the cocked position (second state) the shanks are only crossed one time. Applicants respectfully point out that when the Danielson hook is set, the shanks are not crossed. Thus, Danielson does not teach nor disclose that the shanks are crossed once in the cocked position and then are crossed twice in the set position.

Therefore, Applicants respectfully submit that the rejections for Claims 1-9, 11, 15, and 17-19 have been overcome and that these claims now stand in formal condition for allowance.

#### Claim Rejections – 35USC § 103

Claims 10, 12-14, and 16 stand rejected under 35 U.S. 103(a) as being unpatentable over Danielson. This rejection is respectfully traversed. Since Claim 1 is believed to be in formal condition for allowance, any claims which depend from Claim 1 are also in a condition for allowance. Therefore, Applicants respectfully submit that Claims 10, and 12-14, which depend from Claim 1, now stand in formal condition for allowance without any further revision/argument. Claim 16 has been cancelled.

#### Appended Exhibit

For the Examiner's convenience and as a reminder of the demonstration during the interview of June 15, 2004, Applicants respectfully submit the attached eleven (11) sheets of photographs showing the Applicants' device in interaction with various artificial baits. As can be noted, from the photographs, Applicants' device bears no similarity to the Danielson device. Applicants respectfully submit that the photographs are not an attempt to introduce any new matter and are only for illustration of matter already described in the specification and claims.

Conclusion

In light of the above discussion and amendments, Applicants respectfully submit that the application now stands in formal condition for allowance and respectfully ask for this application be advanced to issue. The Examiner is respectfully invited to call the Applicants' representative to discuss any matters, that may arise, where such discussion may resolve such matters and place this application in condition for allowance. Although Applicants believe that no additional fees beyond the fee for the one month extension are required, the Commissioner is hereby respectfully authorized to deduct such fees, as might be required, from Deposit Account Number 13-2166.

Respectfully submitted,



Taras P. Bemko  
Registration No. 52,609

Date: 11-29-04  
The Matthews Firm (Customer # 021897)  
2000 Bering, Ste. 700  
Houston, Texas 77057  
(713) 355-4200 - Telephone  
(713) 355-9689 - Facsimile